

Claims 1, 4, 5, 11, 12 and 33 are rejected under 35 USC 112, first paragraph, as not satisfying the written description and enablement requirements.

Claims 1, 4, 5, 11, 12 and 33 are rejected under 35 USC 112, second paragraph.

Claims 1, 4, 5, 11, 12 and 33 are presented for reconsideration.

REMARKS

Applicants request reconsideration and withdrawal of the rejection of claims 1, 4, 5, 11, 12 and 33 under 35 USC 112, first paragraph, for the reasons that follow.

Paragraphs 4 and 5 of the Office action relate to separate rejections under 35 USC 112, first paragraph. Applicants believe that the discussion below addresses both rejections.

Both rejections appear to rely on the Examiner's position that the invention resides in an unpredictable art and that in an unpredictable art, a disclosure containing only one specific example cannot meet the written description and/or enablement requirements. Indeed, the case law relied on to support the rejections applies to highly unpredictable arts. However, Applicants assert that the relevant art fields are sufficiently predictable that the present disclosure satisfies all of the requirements of 35 USC 112, first paragraph.

The present claims are directed to oligomers that combine three specific functional domains, an oligomerization domain, a binding domain and a spacer domain. Thus, the present invention resides in the field of peptide biology, to the extent that it is necessary to recognize the functional characteristics of the domains, and peptide chemistry, to the extent that the oligomers are to be prepared. Applicants assert that once the functional characteristics of a particular amino acid sequence are recognized, peptide chemistry and biology are sufficiently predictable that the single specific example in the present application supports and enables the claims directed to the genus in which the example resides.

In paragraph 4, the Examiner asserts that the disclosure does not disclose any oligomerization domain other than COMP. However, Example 5 on page 16, paragraph 1, teaches Pab-S as another example of a pentamer. Moreover, the Examiner does not contend that the